

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12633, of John O. Antonelli, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to operate a parking lot in the SP District at the premises 1213-1215 St. Mathews Court, N.W. (Square 159, Lots 67, 823 and 824).

HEARING DATE: June 7, 1978
DECISION DATE: September 4, 1978

FINDINGS OF FACT:

1. The subject property is located in an SP Zone District in the interior of Square 159 between the rear of St. Mathews Cathedral on Rhode Island Avenue and the rear of rowhouses on N Street, N.W., known as 1213-1215 St. Mathews Court. The rowhouses on N Street have been converted to office use. The site abutts public alleys on the south and the west sides. There are three-two story row houses abutting the site on the east side.

2. Of the three lots which are the subject of this application, Lot 67, at 1209 St. Mathew's Court N.W. (formerly rear of 1750-54 N Street) was approved for continuation of a parking lot for a period of five years on November 12, 1968, under BZA Order No. 9790. The applicant never obtained a certificate of occupancy for this use within six months after the issuance of BZA Order No. 9790, and the approval thus lapsed.

3. In addition to Lot 67, the subject application also includes Lots 823 and 824. At the time of BZA action in case 9790 for Lot 67, there were structures existing on Lots 823 and 824. Those structures have been recently rezoned.

4. Subsequent to the razing of the structures, a request for incorporating the entire property in an SP office building was made under BZA Application No. 12569. However, the application was withdrawn before the public hearing, when it was discovered that the applicant did not have proper authorization and consent from the owners of all the lots involved.

5. The property is presently being used illegally as a parking lot at this time, without proper certificate of occupancy. Lot 67 is paved with an impervious surface, and lots 823 and 824 have the remaining cement floors from the structures that have been razed.

6. There is a difference in grades between Lot 67, and the grade of Lot 823 and 824. This abrupt change in grade of approximately 2.5 feet prevents the free maneuvering of cars between the lots.

7. The only access to the property is by way of public alleys from Rhode Island Avenue and N Street. There are residences along one of those alleys, which could be adversely affected by additional traffic generated by approval of the lot.

8. There is ample testimony in the record showing that the lot as presently operated is a detriment to the area. The Municipal Planning Office, the Department of Transportation, Advisory Neighborhood Commission 2B, residents of the area and others noted the debris and trash and poor appearance of the lot, the overflow of cars into the alley and the other adverse effects of the lot. The Board finds this evidence to be correct.

9. The proposed parking lot is located approximately 1,200 feet from the Dupont Circle Metrorail Station, located at 19th Street and Connecticut Avenue, N.W., and 1,100 feet from the Farragut North Metrorail Station located at L Street and Connecticut Avenue, N.W., and is very adequately served by metrobus as well. The lot is presently used primarily by commuters, who could avail themselves of the existing mass transit.

10. The Municipal Planning Office, by report dated April 17, 1978, and by testimony at the hearing, recommended denial of the application based on a field survey that revealed that the lot is not kept free of refuse and debris, that the boundaries of the lot are not defined and cars spill over into the adjacent alleys, and that there are a significant number of existing parking spaces available in the area of subject square including over 2,620 spaces. The Board so finds.

11. The Department of Transportation, by report dated May 1, 1978, recommended denial of this application based on the applicant's tenure of illegal use of the subject lot and on the grounds that the subject area is adequately served by existing parking facilities as well as public transportation. The Department also reported that traffic is very congested in the subject area. The Board so finds.

12. The Dupont Circle Advisory Neighborhood Commission 2B recommended denial of the application on the grounds that the area is already well served with surface parking lots as shown by the recent construction of the Y.M.C.A. at Rhode Island Avenue and M Street, where there was a variance granted for waiver of required parking spaces. The Board so finds.

13. The Dupont Circle Citizens Association opposed the application on the grounds that the applicant had illegally operated a parking lot since 1969, that there was adequate surface parking already provided in the area, that the area is well served by public transportation and that the condition of the lot was generally degrading to the community. The Board so finds.

14. The 1700 Block of N Street Association, by testimony given at the public hearing, opposed the application on the grounds that the area is adequately served with parking and that the applicant has illegally operated the parking facility for a number of years. The Board so finds.

15. Surrounding and adjacent property owners opposed the application on the grounds that the lot was unkept, filthy and generally appalling and contributed to a fire hazard. The Board so finds.

CONCLUSIONS OF LAW:

The Board is of the opinion that based on the above findings and the evidence of record, the establishment of this parking facility will create dangerous or otherwise objectionable traffic conditions, and already has created objectionable environmental conditions in the area. The Board also concludes that the area already has an adequate supply of surface parking and is very well served by public transportation, and therefore the establishment of this parking facility is not necessary at this location.

The Board concludes that it must give "great weight" to the issues and concerns of the Advisory Neighborhood Commission, that in this case, the views of the ANC have coincided with several other groups, agencies and individuals, and that the Board concurs with the objections raised in opposition.


The Board notes that the applicant is illegally operating a parking lot, without either having received approval of the Board as is required and without a proper Certificate of Occupancy. The Board notes that even accessory parking spaces on a lot other than the area on which the principal use is located requires approval of the Board. The Board further notes that parking is the principal and only use being made of the three lots in question. The Board is very much concerned that the present use is being illegally operated, and the Board requests that the Zoning Administrator forthwith take such action as are necessary to force the termination of such use.

Accordingly, it is hereby ORDERED that this application is DENIED.

VOTE: 3-0 (Walter B. Lewis, Chloethiel Woodard Smith, William F. McIntosh to DENY, Charles R. Norris, not voting, Leonard L. McCants not voting, having recused himself).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER

Executive Director

FINAL DATE OF ORDER:

24 OCT 1978